HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Transfer Application No.5 of 2005

1. Sanjay Kumar Rai S/o Indra Dev Rai
   R/o Village Nujhaw Parganasthu Riyaghat
   Gola Bazar, Gorakhpur

2. Nar Singh Yadav
   S/o Ramanand Yadav
   R/o Village Majhariya
   Post Vimuthi, Gorakhpur

3. Dr. Ramesh Singh
   S/o Haridwar Singh
   R/o village Dhovoli Muhhavar
   Badhalganj Gorakhpur

4. Santosh Pandey S/o Srilant Pandey
   R/o village Mangalpur
   Post Sakulpari, Gorakhpur

5. Brijesh Kumar Mishra
   R/o village & Post Samaythan City
   Chinvadi, Gorakhpur

6. Radhey Shyam Mall
   S/o Hira Mall
   R/o village Dayaramgi
   Post Madhuban, Mau

7. Pradeep Kumar Dubey
   S/o Ramanand Dubey
   R/o village Vimuthi
   Post Vimuthi, Gorakhpur

8. Krishna Mohan
   S/o Nand Lal
   R/o village Variyan, Gorakhpur

9. Dhananjay Dubey
   S/o Mithelesh Dubey
   R/o village Mamjariya
   Post Vimuthi
   Gorakhpur

10. Amar Singh S/o Suresh Yadav
    R/o village Majhariya
    Post Vimuthi
    Badalgaun, Gorakhpur

11. Daya Shankar
S/o Mahesh Yadav
R/o Village Majhariya
Post Vimuthi
Badalgaun, Gorakhpur

12. Ram Dharsh
S/o Bans Raj Yadav
R/o village Jaminpur
Vimuthi, Gorakhpur

13. Shiv Narayan S/o Ramhit
R/o village Airoli
Post Rajgarh, Gorakhpur .....Applicants

Versus

1. State of Uttaranchal
2. Basic Shiksha Adhikari, Pauri ....Respondents

Hon'ble J. C. S. Rawat, J.

Heard Sri B. S. Adhikari learned counsel for the applicants and A.G.A.

The petition under section 407 Cr.P.C. has been filed with the prayer to transfer the Criminal Case No.636/1998 pending before the Chief Judicial Magistrate, Pauri Garhwal to any other adjacent district in the State of Uttaranchal so that the applicants may contest their case without fear to their life and liberty, and also trial may be conducted without any pressure.

The learned counsel for the applicants submitted that the applicants belong to Gorakhpur district and on their joining at Pauri Garhwal thee was a great resentment shown by the local leaders of the Pauri who had launched an agitation against their appointment.

So many applications for the transfer of the applicants have been sent to the authorities. The petitioners filed the petition before the Allahabad High Court for transfer of the case from Pauri to any of the District of U.P. The Allahabad High Court directed the

C.J.M. Gorakhpur to take the surrender of the applicants at Gorakhpur.

Keeping in view of the above facts and circumstances of the case, I am of view that the Criminal Case No.636/1998 pending before the Chief Judicial Magistrate, Pauri Garhwal should be transferred to other district. Both the parties have agreed that the aforesaid criminal case may be transferred to the District Champawat.

The petition is allowed. Criminal Case No.636/1998 pending before the Chief Judicial Magistrate, Pauri Garhwal is transferred to the District Champawat.

The parties will appear before the Chief Judicial Magistrate, Champawat on 13th June, 2005. The matter is old one and the Chief Judicial Magistrate, Champawat is directed to expedite the trial.

(J.C.S. Rawat, J.)

Dated 06.5.2005

LSR